

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT

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|------------------------|---|---------------------------|
| IN RE: | : | CHAPTER 13 |
| KIMBERLY LYNN FIELD | : | |
| JOHN JOSEPH CEPARANO | : | |
| | : | |
| | : | |
| Debtor(s) | : | CASE NO. 5:12-bk-04565RNO |
| | : | |
| | : | |
| CHARLES J. DEHART, III | : | |
| CHAPTER 13 TRUSTEE | : | |
| Movant | : | |
| | : | |
| vs | : | |
| | : | |
| | : | |
| KIMBERLY LYNN FIELD | : | |
| JOHN JOSEPH CEPARANO | : | MOTION TO DISMISS |
| Respondent(s) | : | |

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, comes Charles J. DeHart, III, Esquire, Standing Chapter 13 Trustee, through his attorney Agatha McHale, Esquire and brings this Motion to Dismiss Case, a statement of which follows:

1. Debtor(s) filed the above case on August 03, 2012.
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates: May 07, 2015 November 12, 2015 and March 23, 2016 .
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently two months in default with arrearages of \$1,830.00 through July, 2016.
6. The non-payment of Debtor's plan obligation is

- a. a material default with respect to the confirmed plan; and
 - b. an unreasonable delay by Debtor that is prejudicial to creditors
7. Dismissal of the case is in the best interest of the creditors and the estate.
8. Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Respectfully submitted,

Charles J. DeHart, III
Standing Chapter 13 Trustee

/s/ Agatha McHale
Agatha McHale, Esquire
Attorney for Movant
8125 Adams Drive, Suite A
Hummelstown, PA 17036
717-566-6097
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UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

KIMBERLY LYNN FIELD
JOHN JOSEPH CEPARANO

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CASE NO: 5:12-bk-04565RNO

MOTION TO DISMISS

NOTICE TO PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely plan payments pursuant to the Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion.

Any matters not resolved at the Trustee's Conference shall be heard at the dismissal hearing to be held as stated below:

CONFERENCE before Trustee:

Aug 31, 2016, at 9:00 a.m.
U.S. Bankruptcy Court
Max Rosen U.S. Courthouse
197 S. Main St.
Wilkes Barre, PA

HEARING:

Aug 31, 2016, at 9:35 a.m.
U.S. Bankruptcy Court
Max Rosen U.S. Courthouse
197 S. Main St.
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you **MUST** attend this conference or the dismissal hearing unless one of the following takes place on or before: **August 24, 2016**

1. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the U.S. Bankruptcy Court in Harrisburg, PA, on or before August 24, 2016.

2. You have filed a voluntary conversion to Chapter 7 or a voluntary dismissal with the U.S. Bankruptcy Court in Harrisburg, PA and have served a copy of that motion upon Trustee DeHart.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT IMMEDIATELY AFTER YOUR CONFERENCE WITH THE TRUSTEE AND MAY RESULT IN DISMISSAL OR YOUR CASE. **PAYMENT IN FULL WILL NOT EXCUSE YOU FROM THE HEARING.**

Any questions concerning plan arrearage should be directed to Trustee DeHart's office at (717) 566-6097, Monday - Friday, 9:00 a.m. to 4:00 p.m. Do not call the Bankruptcy Court, as the Court does not maintain records for debtor's payment status.

DATE: July 19, 2016
CHARLES J. DEHART, III, TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that the Debtor and his/her counsel, have been served a copy this Motion, Notice and Proposed Order by First Class Mail, unless served electronically, at the below address on July 19, 2016.

KIMBERLY LYNN FIELD
JOHN JOSEPH CEPARANO
3478 HEMLOCK FARMS
LORDS VALLEY, PA 18428
Debtor(s)

MATTHEW A SCHMIDT, ESQUIRE
AMORI & ASSOCIATES
513 SARAH STREET
STROUDSBURG, PA 18360-
Attorney for Debtor(s)

RESPECTFULLY SUBMITTED,

/s/ Liz Joyce

Liz Joyce
For Charles J. DeHart, III,
Standing Chapter 13 Trustee

